

## Notification of Conflict of Interest Referral

For use in cases involving possible violations of 18 U.S.C. §§ 203, 205, 207-209 by current or former executive branch employees only; see reverse for summary of statutory/regulatory background. Please return directly to: U.S. Office of Government Ethics, 1201 New York Ave. NW, Suite 500, Washington, DC 20005-3917. Phone: Associate Director for Program Reviews (202) 482-9270. FAX: (202) 482-9238.

Agency Referring the Case US EPA / Office of Inspector General	Agency Case or Referral Number OI-DE-2014-ADM-0100	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input checked="" type="checkbox"/> U.S. Attorney for (district) Western District of WA <input type="checkbox"/> DOJ, other
Date of Referral to DOJ January 7, 2015	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed. [REDACTED]	

### PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☒ YES ☐ NO ☐ UNCLEAR

### PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

- ☐ **18 U.S.C. § 203 (Compensation for Representation Affecting the Government)**  
Federal entity before which representation occurred: \_\_\_\_\_  
Compensated representation on behalf of: \_\_\_\_\_  
Were representational services rendered or to be rendered: ☐ by the employee ☐ or by another?
- ☐ **18 U.S.C. § 205 (Representation Affecting the Government)**  
Federal entity before which representation occurred: \_\_\_\_\_  
Representation on behalf of: \_\_\_\_\_
- ☐ **18 U.S.C. § 207 (Post-Employment)**  
Federal entity before which representation occurred: \_\_\_\_\_  
Representation on behalf of: \_\_\_\_\_  
Was the communication/representation: ☐ oral? ☐ and/or written?  
☐ Former employee termination service before January 1, 1991. Check subsections involved:  
☐ 207(a) ☐ 207(b)(I) ☐ 207(b)(II) ☐ 207(c)  
☐ Former employee termination service on or after January 1, 1991. Check subsections involved:  
☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☐ 207(c) ☐ 207(d) ☐ 207(f)  
If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? ☐ Yes ☐ No
- ☒ **18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)**  
Does the case involve the financial interest: ☐ of the employee? ☒ of the employee's spouse?  
☐ Minor child? ☐ A firm with which the employee was negotiating for employment?  
☐ Other? (specify) \_\_\_\_\_  
Was a waiver sought? ☐ Yes ☒ No Was it granted? ☐ Yes ☐ No  
Was the employee required to file a financial disclosure form? ☒ Yes ☐ No If yes, check form involved:  
☒ SF 278 ☐ OGE Form 450 ☐ Other (specify) \_\_\_\_\_  
If so, was the basis for the interest disclosed on the financial disclosure form? ☒ Yes ☐ No
- ☐ **18 U.S.C. § 209 (Supplementation of Salary)**  
Type of supplementation (meals, travel, cash, etc.): \_\_\_\_\_  
Value of supplementation: \$ \_\_\_\_\_ Number of supplements: \_\_\_\_\_
- ☐ **Additional Statutes Involved in Conflict of Interest Referrals**  
Was 18 U.S.C. § 201 (bribery/gratuity) involved? ☐ Yes ☐ No  
Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? ☐ Yes ☐ No  
Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? ☐ Yes ☐ No  
Was 18 U.S.C. § 1001 (false statements) involved? ☐ Yes ☐ No  
Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? ☐ Yes ☐ No  
Other (list): \_\_\_\_\_

Agency Contact/Telephone Number

[REDACTED] (202) 566-[REDACTED]

Date

January 16, 2015

OGE Form 202 (11/04)

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## Statutory/Regulatory Background

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28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

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### PART III ADDITIONAL AGENCY COMMENTS (if any):

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### PART IV DISPOSITION OF REFERRAL (OGE use only):

☒ DOJ declined prosecution.

☐ DOJ initiated prosecution.

Resolution:

Agency disciplinary or corrective action, if any:

Currently waiting on a response from the Agency.



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Agency Referring the Case US EPA/Office of Inspector General	Agency Case or Referral Number COMP-2015-76	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input checked="" type="checkbox"/> U.S. Attorney for (district) District of Columbia <input type="checkbox"/> DOJ, other
Date of Referral to DOJ 14 April, 2015	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed. US Environmental Protection Agency, Clean Water Division, Region 2	

### PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☐ YES ☐ NO ☒ UNCLEAR

### PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

☐ **18 U.S.C. § 203 (Compensation for Representation Affecting the Government)**  
 Federal entity before which representation occurred: \_\_\_\_\_  
 Compensated representation on behalf of: \_\_\_\_\_  
 Were representational services rendered or to be rendered: ☐ by the employee ☐ or by another?

☐ **18 U.S.C. § 205 (Representation Affecting the Government)**  
 Federal entity before which representation occurred: \_\_\_\_\_  
 Representation on behalf of: \_\_\_\_\_

☐ **18 U.S.C. § 207 (Post-Employment)**  
 Federal entity before which representation occurred: \_\_\_\_\_  
 Representation on behalf of: \_\_\_\_\_  
 Was the communication/representation: ☐ oral? ☐ and/or written?  
☐ Former employee termination service before January 1, 1991. Check subsections involved:  
☐ 207(a) ☐ 207(b)(I) ☐ 207(b)(II) ☐ 207(c)  
☐ Former employee termination service on or after January 1, 1991. Check subsections involved:  
☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☐ 207(c) ☐ 207(d) ☐ 207(f)  
 If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? ☐ Yes ☐ No

☒ **18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)**  
 Does the case involve the financial interest: ☒ of the employee? ☐ of the employee's spouse?  
☐ Minor child? ☐ A firm with which the employee was negotiating for employment?  
☒ Other? (specify) \_\_\_\_\_  
 Was a waiver sought? ☐ Yes ☒ No Was it granted? ☐ Yes ☐ No  
 Was the employee required to file a financial disclosure form? ☐ Yes ☐ No If yes, check form involved:  
☐ SF 278 ☐ OGE Form 450 ☐ Other (specify) \_\_\_\_\_  
 If so, was the basis for the interest disclosed on the financial disclosure form? ☐ Yes ☐ No

☐ **18 U.S.C. § 209 (Supplementation of Salary)**  
 Type of supplementation (meals, travel, cash, etc.): \_\_\_\_\_  
 Value of supplementation: \$ \_\_\_\_\_ Number of supplements: \_\_\_\_\_

☐ **Additional Statutes Involved in Conflict of Interest Referrals**  
 Was 18 U.S.C. § 201 (bribery/gratuity) involved? ☐ Yes ☐ No  
 Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? ☐ Yes ☐ No  
 Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? ☐ Yes ☐ No  
 Was 18 U.S.C. § 1001 (false statements) involved? ☐ Yes ☐ No  
 Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? ☐ Yes ☐ No  
 Other (list) \_\_\_\_\_

Agency Contact/Telephone Number

(202) 566-

Date

April 21, 2015



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## Statutory/Regulatory Background

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28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

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### PART III ADDITIONAL AGENCY COMMENTS (If any):

The employee is recused from certain particular matters, and EPA-OGC is seeking OGE concurrence for a waiver going forward for the employee. The Agency is considering how to redress the administrative failure in the Region.

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### PART IV DISPOSITION OF REFERRAL (OGE use only):

☒ DOJ declined prosecution.

☐ DOJ initiated prosecution.

Resolution:

Agency disciplinary or corrective action, if any:

See above (section III).



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Agency Referring the Case US EPA/Office of Inspector General	Agency Case or Referral Number OI-HQ-2015-ADM-0085	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input checked="" type="checkbox"/> U.S. Attorney for (district) District of Columbia <input type="checkbox"/> DOJ, other
Date of Referral to DOJ July 2, 2015	Name of Employee Involved In Case (optional), Agency, and Agency Component Where he/she was Employed. FORMER SES, US ENVIRONMENTAL PROTECTION AGENCY	

### PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☐ YES ☐ NO ☒ UNCLEAR

### PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

☐ **18 U.S.C. § 203 (Compensation for Representation Affecting the Government)**

Federal entity before which representation occurred:

Compensated representation on behalf of:

Were representational services rendered or to be rendered: ☐ by the employee ☐ or by another?

☐ **18 U.S.C. § 205 (Representation Affecting the Government)**

Federal entity before which representation occurred:

Representation on behalf of:

☒ **18 U.S.C. § 207 (Post-Employment)**

Federal entity before which representation occurred: US Environmental Protection Agency

Representation on behalf of: Law Firm (partner)

Was the communication/representation: ☐ oral? ☒ and/or written?

☐ Former employee termination service before January 1, 1991. Check subsections involved:

☐ 207(a) ☐ 207(b)(I) ☐ 207(b)(II) ☐ 207(c)

☒ Former employee termination service on or after January 1, 1991. Check subsections involved:

☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☒ 207(c) ☐ 207(d) ☐ 207(f)

If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? ☐ Yes ☐ No

☐ **18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)**

Does the case involve the financial interest: ☐ of the employee? ☐ of the employee's spouse?

☐ Minor child? ☐ A firm with which the employee was negotiating for employment?

☐ Other? (specify)

Was a waiver sought? ☐ Yes ☐ No Was it granted? ☐ Yes ☐ No

Was the employee required to file a financial disclosure form? ☐ Yes ☐ No If yes, check form involved:

☐ SF 278 ☐ OGE Form 450 ☐ Other (specify)

If so, was the basis for the interest disclosed on the financial disclosure form? ☐ Yes ☐ No

☐ **18 U.S.C. § 209 (Supplementation of Salary)**

Type of supplementation (meals, travel, cash, etc.):

Value of supplementation: \$ Number of supplements:

☐ **Additional Statutes Involved in Conflict of Interest Referrals**

Was 18 U.S.C. § 201 (bribery/gratuity) involved? ☐ Yes ☐ No

Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? ☐ Yes ☐ No

Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? ☐ Yes ☐ No

Was 18 U.S.C. § 1001 (false statements) involved? ☐ Yes ☐ No

Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? ☐ Yes ☐ No

Other (list)

Agency Contact/Telephone Number

(202)566

Date

July 2, 2015

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## Statutory/Regulatory Background

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28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

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### PART III ADDITIONAL AGENCY COMMENTS (if any):

This matter was declined for prosecution on June 30, 2015. OIG is referring this matter to EPA for review and corrective action as appropriate. Since this matter involves a former employee, no longer employed at EPA, there is no administrative remedy. OIG was informed that EPA is drafting a letter to be sent to the former employee's current [REDACTED] regarding this matter.

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### PART IV DISPOSITION OF REFERRAL (OGE use only):

☒ DOJ declined prosecution.

☐ DOJ initiated prosecution.

Resolution:

Agency disciplinary or corrective action, if any: